

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 335

BY SENATOR WOODRUM

[Originating in the Committee on the Judiciary;

reported on January 26, 2023]

1 A BILL to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 all relating generally to authorizing certain agencies of the Department of Homeland
3 Security to promulgate legislative rules; authorizing the rules as filed and as modified by
4 the Legislative Rule-Making Review Committee and as amended by the Legislature and
5 directing certain agencies of the Department of Homeland Security to amend current
6 legislative rules; relating to authorizing the Governor's Committee on Crime to promulgate
7 a legislative rule relating to protocol for law enforcement response to domestic violence;
8 relating to authorizing the Division of Emergency Management to promulgate a legislative
9 rule relating to the National Flood Insurance Program; relating to authorizing the Fire
10 Commission to promulgate a legislative rule relating to hazardous substance emergency
11 response training programs; relating to authorizing the Fire Commission to promulgate a
12 legislative rule relating to certification of home inspectors; relating to authorizing the Fire
13 Commission to promulgate a legislative rule relating to volunteer firefighters' training
14 equipment, and operating standards; relating to authorizing the Fire Marshal to promulgate
15 a legislative rule relating to certification of electrical inspectors; relating to authorizing the
16 Fire Marshal to promulgate a legislative rule relating to supervision of fire protection work;
17 relating to authorizing the Fire Marshal to promulgate a legislative rule relating to
18 electrician licensing; relating to authorizing the Fire Marshal to promulgate a legislative
19 rule relating to certification of home inspectors; relating to authorizing the State Police to
20 promulgate a legislative rule relating to West Virginia State Police professional standards
21 investigations, employee rights, early identification system, psychological assessment,
22 and progressive discipline; and relating to directing the State Police to promulgate a
23 legislative rule relating to modified vehicle inspections.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 6. AUTHORIZATION FOR DEPARTMENT OF HOMELAND SECURITY TO
PROMULGATE LEGISLATIVE RULES.**

§64-6-1. Governor's Committee on Crime.

1 The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §48-27-1102 of this code, relating to the Governor’s Committee on Crime (protocol
3 for law enforcement response to domestic violence, 149 CSR 03), is authorized.

§64-6-2. Division of Emergency Management.

1 The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §15-5-20b of this code, modified by the Division of Emergency Management Security
3 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State
4 Register on September 15, 2022, relating to the Division of Emergency Management (National
5 Flood Insurance Program, 170 CSR 07), is authorized.

§64-6-3. Fire Commission.

1 (a) The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §15A-11-4 of this code, modified by the Fire Commission to meet the objections of
3 the Legislative Rule-Making Review Committee and refiled in the State Register on October 5,
4 2022, relating to the Fire Commission (hazardous substance emergency response training
5 programs, 87 CSR 03), is authorized.

6 (b) The legislative rule filed in the State Register on July 29, 2022, authorized under the
7 authority of §15A-10-2 of this code, relating to the Fire Commission (certification of home
8 inspectors, 87 CSR 05), is authorized.

9 (c) The legislative rule filed in the State Register on July 29, 2022, authorized under the
10 authority of §15A-11-9 of this code, modified by the Fire Commission to meet the objections of
11 the Legislative Rule-Making Review Committee and refiled in the State Register on October 5,
12 2022, relating to the Fire Commission (volunteer firefighters’ training, equipment, and operating
13 standards, 87 CSR 08), is authorized with the amendment set forth below:

14 On page 4, by striking out subdivision 4.1.9.

§64-6-4. Fire Marshal.

1 (a) The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §29-3C-4 of this code, modified by the Fire Marshal to meet the objections of the
3 Legislative Rule-Making Review Committee and refiled in the State Register on October 5, 2022,
4 relating to the Fire Marshal (certification of electrical inspectors, 103 CSR 01), is authorized with
5 the amendment set forth below:

6 On page 5, subsection 7.5, by striking out "Building Officials and Code Administration (BOCA)"
7 and inserting in lieu thereof "International Code Council (ICC)".

8 (b) The legislative rule filed in the State Register on July 29, 2022, authorized under the
9 authority of §29-3D-4 of this code, modified by the Fire Marshal to meet the objections of the
10 Legislative Rule-Making Review Committee and refiled in the State Register on October 5, 2022,
11 relating to the Fire Marshal (supervision of fire protection work, 103 CSR 03), is authorized.

12 (c) The legislative rule filed in the State Register on July 29, 2022, authorized under the
13 authority of §29-3B-5 of this code, modified by the State Fire Marshal to meet the objections of
14 the Legislative Rule-Making Review Committee and refiled in the State Register on October 5,
15 2022, relating to the Fire Marshal (electrician licensing, 103 CSR 05), is authorized.

16 (d) The legislative rule filed in the State Register on July 29, 2022, authorized under the
17 authority of §15A-10-5 of this code, modified by the Fire Marshal to meet the objections of the
18 Legislative Rule-Making Review Committee and refiled in the State Register on October 5, 2022,
19 relating to the Fire Marshal (certification of home inspectors, 103 CSR 07), is authorized.

§64-6-5. State Police.

1 (a) The legislative rule filed in the State Register on July 29, 2022, authorized under the
2 authority of §15-2-25 of this code, modified by the State Police to meet the objections of the
3 Legislative Rule-Making Review Committee and refiled in the State Register on October 14, 2022,
4 relating to the State Police (West Virginia State Police professional standards investigations,

5 employee rights, early identification system, psychological assessment, and progressive
6 discipline, 81 CSR 10), is authorized.

7 (b) The legislature directs the State Police to amend the legislative rule filed in the State
8 Register on April 4, 2012, authorized under §17C-15-48, relating to the State Police (modified
9 vehicle inspections, 81 CSR 04), with the amendments set forth below:

10 On page 6, by striking out subdivision 4.2.4. and inserting a new subdivision 4.2.4.to read as
11 follows:

12 "4.2.4. Fenders – Any attachment added to the body or fender of the vehicle to meet the
13 requirements of this section shall be securely mounted and free of any sharp edges or
14 protuberances.";

15 And,

16 On page 14, by striking out subdivision 4.8.11. and renumbering the remaining
17 subdivisions.